

House
REPUBLICAN
Conference

FloorPrep

Legislative Digest

Tuesday, May 19, 1998

John Boehner
Chairman
8th District, Ohio

*House Meets at 12:30 p.m. for Morning Hour and
2:00 p.m. for Legislative Business
(No Votes Before 5:00 p.m.)*

Anticipated Floor Action:

- H.R. 1023—Ricky Ray Hemophilia Relief Fund Act
H.R. 3039—Veterans Transitional Housing Opportunities Act
H.R. 3603—Authorizing VA Major Medical Projects and Facility Leases
H.R. 2652—Collections of Information Antipiracy Act
H.R. 3718—Limiting Federal Court Jurisdiction Over Federal Prison Release
Orders
H.R. 3809—Drug Free Borders Act
H.R. 1522—Reauthorizing the National Historic Preservation Act
H.R. 2556—Wetlands and Wildlife Enhancement Act
H.R. 512—New Wildlife Refuge Authorization Act
H.Con.Res. 171—Honoring Emergency Medical Services Personnel
H.R. 2472—Extending Certain Programs of the Energy Policy and
Conservation Act
H.R. 2202—National Bone Marrow Registry Reauthorization Act
H.R. 3534—Mandates Information Act
H.R. 3616—FY 1999 National Defense Authorization Act



Bills Considered Under Suspension of the Rules

Floor Situation: The House will consider the following 12 bills under suspension of the rules as its first order of business today. Each is debatable for 40 minutes, may not be amended, and requires a two-thirds majority vote for passage.

H.R. 1023—Ricky Ray Hemophilia Relief Fund Act establishes a \$750 million fund for payments to persons infected with the human immunodeficiency virus (HIV) as a result of receiving a contaminated blood-clotting pharmaceutical product known as anti-hemophilic factor (AHF). Payments of \$100,000 will go to (1) persons who relied on prescriptions for AHF between July 1982 and December 1987; (2) lawful spouses and former spouses of infected persons during that same period; or (3) persons who acquired HIV from the parent drug of AHF during pregnancy. In cases where the original victim is now deceased, payments will go to surviving spouses, children, or parents. CBO estimates that enactment of H.R. 1023 will increase discretionary spending by \$767 million over a five-year period. H.R. 1023 was introduced by Mr. Goss and was reported by the Judiciary Committee ordered the bill reported by voice vote on October 29, 1997.

H.R. 3039—Veterans Transitional Housing Opportunities Act establishes a pilot program in the Department of Veterans Affairs to guarantee loans to community-based organizations that serve homeless veterans. Specifically, the bill authorizes the VA Secretary to guarantee the full or partial repayment up to 15 such loans (but not more than five loans in the first three years of the program) and sets a maximum loan guarantee amount of \$100 million. In addition, the bill requires residents in transitional housing units to seek employment, maintain sobriety, and pay a reasonable fee for their residence. Each housing unit must enforce sobriety standards and provide a wide range of support services, such as substance abuse counseling and job readiness skills. CBO estimates that enactment will raise direct spending by \$1 million per year from FY 1999-2002 and \$2 million annually for FYs 2003-2005, for a total cost of approximately \$10 million. The bill was introduced by Mr. Stump *et al.*; the Veterans' Affairs Committee reported the bill by voice vote on March 11, 1998.

H.R. 3603—Authorizing FY 1999 VA Major Medical Projects and Facility Leases authorizes \$213.8 million for FY 1999 Department of Veterans Affairs (VA) construction projects and medical facility leases. Specifically, the bill authorizes \$205.3 million for nine high-priority VA major medical construction projects and \$8.5 million for three major medical facility leases. Assuming appropriation of authorized amounts, CBO estimates that enactment will result in outlays of approximately \$9 million in FY 1999 and \$203 million over FYs 1999-2003. The bill was introduced by Mr. Stump *et al.*; the Veterans' Affairs Committee reported the bill by voice vote on April 1, 1998.

H.R. 2652—Collections of Information Antipiracy Act prohibits misappropriation and misuse of commercially collected information by entities that may actually or threaten to use it to unfairly gain an advantage over their competitors. Specifically, nonprofit educational, scientific, research, and library entities collect vast amounts of information for use and access by their customers. These resource collections are often targets for companies that attempt to gain access to the information held by the nonprofit organizations and market it to their target customer base, thereby subverting the efforts of the nonprofit entities. At press time, CBO had not yet completed a cost estimate for H.R. 2652. The bill was introduced by Mr. Coble and was reported by the Judiciary Committee by voice vote on March 24, 1998.

H.R. 3718—Limiting Federal Court Jurisdiction Over Federal Prison Release Orders limits the scope of authority for federal judges by prohibiting them from ordering the release of persons convicted of violent or drug-related crimes because of prison conditions. Additionally, the bill reverses certain "consent decrees" issued which grant authority over management of state and local prisons to federal judges and other third parties. CBO did not complete a cost estimate the bill. H.R. 3718 was introduced by Mr. DeLay. The bill was not considered by any committee, but was

originally offered as an amendment to H.R. 1252, the Judicial Reform Act, by a vote of 367-52 on April 23, 1998.

H.R. 3809—Drug Free Borders Act increases the authorization for the U.S. Customs Service to combat the entry of illegal drugs into the U.S. Specifically, the bill increases the authorization for (1) drug enforcement and other noncommercial operations to \$965 million for FY 1999 and \$1 billion for FY 2000; (2) commercial operations to \$971 million for FY 1999 and \$1 billion for FY 2000; and (3) air interdiction programs to \$98 million for FY 1999 and \$101 million for FY 2000. At press time, a CBO cost estimate was unavailable for H.R. 3809. The bill was introduced by Mr. Crane and was reported by the Ways & Means Committee by a vote of 29-0 on May 14, 1998.

H.R. 1522—Reauthorizing the National Historic Preservation Act reauthorizes the Historic Preservation Fund (HPF) and extends the authorization for annual deposits of \$150 million to the HPF through FY 2004. The authorization for these deposits, which consist of receipts derived from oil and gas development on the Outer Continental Shelf, expired at the end of FY 1997. The bill also modifies and clarifies a number of provisions of the law. Assuming appropriation of the amounts deposited into the Historic Preservation Fund each year, and assuming appropriation of the authorized amounts for the Advisory Council on Historic Preservation, CBO estimates that enactment of H.R. 1522 will result in additional discretionary spending of \$570 million over the FY 1999-2003 period. The bill was introduced by Mr. Hefley; the Resources Committee reported the bill by voice vote on March 25, 1998.

H.R. 2556—Wetlands and Wildlife Enhancement Act, as amended by a substitute amendment, reauthorizes and extends two Fish and Wildlife Service wetlands and wildlife enhancement programs through FY 2001. Specifically, the bill reauthorizes the North American Wetlands Conservation Act and extends its current authorization of \$30 million through FY 2001. In addition, the bill reauthorizes the Partnerships for Wildlife Act through FY 2001 and authorizes \$3 million each year (below the current 6.25 million level) to carry out the program. The existing authorization for both programs expires at the end of FY 1998. A revised CBO estimate was unavailable at press time. The bill was introduced by Mr. Saxton *et al.*; Resources Committee reported the bill by voice vote on April 29, 1998.

H.R. 512—New Wildlife Refuge Authorization Act, as amended by the substitute, prohibits the expenditure of funds from the Land and Water Conservation Fund to create new national wildlife refuges until the Interior Secretary (1) notifies members of Congress representing the local area that the planning process has been initiated; (2) sends a copy of the environmental assessment or environmental impact statement, as well as a summary of the public comments relating to the proposed refuge, to the local congressional delegation and the authorizing and appropriating committees; and (3) ensures that notices of public meetings required by the National Environmental Policy Act (NEPA; *P.L. 91-190*) are published in local newspapers and clearly indicate that the purpose of the meeting is a proposal to create a new wildlife refuge. In addition, the bill clarifies that the determination of a boundary for a new refuge does not impose any additional federal land use restrictions until the land is acquired by the federal government. CBO estimates that enactment of H.R. 512 will have no significant impact on the federal budget. The bill was introduced by Mr. Young (AK); the Resources Committee passed the bill by a vote of 25-9 on September 25, 1997.

H.Con.Res. 171 designates the annual memorial service held in Roanoke, Virginia, to honor emergency medical services personnel who have died in the line of duty as the “National Emergency

Medical Services Memorial Service.” The memorial service is sponsored by the National Emergency Medical Services Memorial Service Board of Directors. The resolution was introduced by Mr. Goodlatte and Mr. Goode and was reported by the Commerce Committee by voice vote.

H.R. 2472 extends the authorization for the Energy Policy and Conservation Act through September 30, 1999, and makes technical changes to the law. Specifically, the extension authorizes the Energy Department to (1) continue to operate the Strategic Petroleum Reserve, (2) participate in the International Energy Agency, and (3) conduct other related energy emergency programs and activities through the end of FY 1999. The current authorization for these programs expired on September 30, 1997. The bill was introduced by Mr. Schaefer. The House passed H.R. 2472 by a vote of 405-8 on September 29, 1997. The Senate then passed the bill with amendment by unanimous consent on September 30. The House agreed to the Senate amendment and passed the bill with another amendment by voice vote on November 9. The Senate agreed to the House amendment and again amended the bill, passing it by unanimous consent on February 12, 1998.

H.R. 2202—National Bone Marrow Registry Reauthorization Act reauthorizes \$18 million for the National Bone Marrow Registry for FY 1999 and such sums as necessary for FYs 2000-2003. The bill establishes a board of directors which will include representatives of marrow donor centers, recipients of bone marrow transplants, and persons who require such a transplant, who will serve two year terms and a maximum of three consecutive terms. The bill amends the Public Health Services Act to (1) establish a program to recruit potential donors, (2) support educational activities to support potential donor recruitment, (3) require annual updates of status change for potential donors, (4) establish an Office of Patient Advocacy which provides case management services for those whom the registry is searching for an unrelated donor of bone marrow, and (5) collect and analyze data, including cost comparisons among transplant centers. The bill establishes a Bone Marrow Scientific Registry which will serve as a repository of information relating to patients who have received bone marrow transplants from unrelated donors. The bill also requires the General Accounting Office (GAO) to study (1) the registry’s effectiveness of increasing minority representation, (2) registry utilization rates, and (3) reasons preliminary searches in the registry were not completed. The bill was introduced by Mr. Young et al.

Additional Information: See *Legislative Digest*, Vol. XXVII, #13, May 15, 1998.



H.R. 3534—Mandates Information Act

Floor Situation: The House will complete consideration of H.R. 3534 after it completes consideration of the scheduled suspensions. Last Wednesday, the House completed general debate and began debating amendments under an open rule. The rule accords priority in recognition to members who have their amendments pre-printed in the *Congressional Record*. The chairman of the Committee of the Whole may postpone may postpone votes and reduce the voting time on a postponed vote to five minutes, so long as it follows a regular 15-minute vote. Finally, the rule provides one motion to commit, with or without instructions.

Summary: H.R. 3534 amends the 1974 Congressional Budget Act (*P.L. 93-344*) to require congressional committees to report on any bill or joint resolution that imposes a federal mandate on the private sector. The report must include information from the Congressional Budget Office (CBO) pertaining to the economic impact that the mandate may have on consumers, workers, and small businesses, including any disproportionate impact on particular regions or industries. Currently, CBO only must estimate the direct costs of all federal private sector mandates that exceed \$100 million, as well as the amount of federal financial assistance to private sector entities provided by the legislation. The bill also allows members to raise a point of order against any legislation that imposes a private sector mandate if it is not feasible for CBO to submit an estimate. The bill was introduced by Mr. Condit and was reported by the Rules Committee by voice vote.

Views: The Republican leadership supports passage of the bill. The Clinton Administration has expressed no official position on H.R. 3534.

Amendments: At the close of business, the *Legislative Digest* was aware of the following amendments to H.R. 3534:

Mr. Moakley may offer an amendment to strike from the bill language adopted by the Rules Committee during the mark-up. Currently, the bill contains language to forbid points of order if a bill provides an overall tax reduction but contains some tax increases within the measure. Supporters of this amendment argue that by eliminating the point of order options, Congress will be unable to fully debate all provisions affected by this measure. **Staff Contact: Leanita Shelby, x5-9486**

Mr. Traficant may offer an amendment (#2) to require the director of CBO to report to Congress each year on the economic impact of H.R. 3534 on employment and businesses in the United States. The intent of this amendment is to assure that there are no adverse effects upon U.S. businesses as a result of enactment of the measure and any of its amendments. **Staff Contact: Kim Briton, x5-5261**

Mr. Waxman may offer an amendment to permit points of order against provisions within any legislation that remove or weaken federal private sector mandates that protect the environment or public health. Supporters of the amendment seek to protect against possible legislation that promotes private sector interests but does not address environmental and public health concerns. **Staff Contact: Greg Dotson, x5-3976**

Additional Information: See *Legislative Digest*, Vol. XXVII, #12, May 11, 1998.



H.R. 3616—FY 1999 National Defense Authorization Act

Floor Situation: The House will conduct general debate only on H.R. 3616 after it completes consideration of H.R. 3534. Last Thursday, the Rules Committee granted a rule providing two hours of general debate, equally divided between the chairman and ranking minority member of the National Security Committee.

Summary: H.R. 3616 authorizes \$270.4 billion in new budget authority for the country's defense activities in FY 1999, \$394.9 million less than the president's request and approximately \$2.2 billion more than last year's FY 1998 National Defense Authorization (*P.L. 105-85*). The bill is consistent with the discretionary defense spending limitations imposed by the 1997 Balanced Budget Act.

Overall, the bill authorizes \$70.7 billion (\$80 million less than the president's request) for military personnel, \$94.6 billion (\$896 million less than the president's request) for operations and maintenance and working capital funds, \$48.9 billion (\$346 million more than the president's request) for weapons procurement, \$36.2 billion (\$149 million more than the president's request) for research and development, \$8.2 billion (\$450 million more than the president's request) for military construction and family housing, and \$11.9 billion (\$401 million less than the president's request) for the defense related programs of the Department of Energy.

Among major programs, the bill authorizes (1) a 3.6 percent military pay raise (0.5 percent more than the president's request); (2) \$2.7 billion to procure 27 Super Hornets (\$204.7 million and three aircraft less than the president's request); (3) \$735.4 million for eight V-22 tiltrotor aircraft (\$64 million and one more aircraft than the president's request); (4) \$2.8 billion (\$5 million less than the president's request) for three *Arleigh Burke* destroyers; (5) \$3.8 billion (\$132.8 million more than the president's request) for the Ballistic Missile Defense Organization, as well as \$950.5 million for National Missile Defense (NMD) and \$821.7 million for the Theater High Altitude Air Defense (THAAD) program; (6) \$635 million (\$72 million more than the president's request) for the construction of 40 new barracks and dormitories within the United States and to support troops deployed abroad; (7) \$4.3 billion (\$46.6 million less than the president's request) for DOD environmental programs.

The bill also (1) limits funding to \$1.86 billion for operations in Bosnia during FY 1999, and requires the Defense Secretary to submit a report to Congress by April 1, 1999, projecting the estimated costs of the Bosnia deployment for the remainder of the fiscal year; (2) requires each of the military services to assign male and female recruits to same-gender units at the small-unit level during basic training, and house male and female recruits in separate buildings beginning April 15, 1999; (3) repeals the prohibition on the use of landmines by U.S. military forces; and (5) extends military "exemplary conduct" requirements to the president, as commander in chief, and the Defense Secretary. CBO estimates that enactment will result in discretionary outlays of \$415.8 billion over the next five years. H.R. 3616 was introduced by Mr. Spence and Mr. Dellums on April 1, 1998 and was ordered reported by the National Security Committee by a vote of 50-1 on May 6, 1998.

Additional Information: See *Legislative Digest*, Vol. XXVII, #13, Pt. II, May 17, 1998.



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Amendment Alert!

Please attach the text of the amendment (if available) and fax to the *Legislative Digest* at x5-7298

John Boehner
Chairman
8th District, Ohio

Member Sponsoring Amendment: _____ Bill#: _____

Additional Co-sponsors (if any): _____

Staff Contact: _____ Phone#: _____ Evening Phone#: _____

Description of the amendment: _____

(Please include any additional or contextual information)

Reason for offering amendment (e.g., How will this change the bill or current law? Why should members support this change?): _____

Legislative Digest reserves the right to edit descriptions for style, readability, and provisional accuracy.

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